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THE LANDMARK OF FREEDOM.

SUMNER.

THE LANDMARK OF FREEDOM.

SPEECH

OF

7582.149

HON. CHARLES SUMNER

AGAINST THE

REPEAL OF THE MISSOURI PROHIBITION OF SLAVERY NORTH OF 36° 30′.

IN THE SENATE OF THE UNITED STATES,

FEBRUARY 21, 1854.

"Cursed be he that removeth his neighbor's landmark. And all the people shall say, AMEN."

DEUTERONOMY, xxvii. 17.

BOSTON:
PUBLISHED BY JOHN P. JEWETT AND COMPANY.
CLEVELAND, OHIO:
JEWETT, PROCTOR, AND WORTHINGTON.
1854.

Duplicate.
No. 4. 4393. 2. 2
N. E. Methodist. Hist. Soc
Dec 13. 1893

CAMBRIDGE:
ALLEN AND FARNHAM, PRINTERS.

WESLEYAN
UNIVERSITY
MIDDLETOWN

SPEECH.

The Senate having under consideration the bill to establish Territorial Governments in Nebraska and Kansas —

Mr. Sumner said: —

Mr. President, — I approach this discussion with awe. The mighty question, with untold issues, which it involves, oppresses me. Like a portentous cloud, surcharged with irresistible storm and ruin, it seems to fill the whole heavens, making me painfully conscious how unequal I am to the occasion — how unequal, also, is all that I can say, to all that I feel.

In delivering my sentiments here to-day, I shall speak frankly — according to my convictions, without concealment or reserve. But if any thing fell from the Senator from Illinois, [Mr. Douglas,] in opening this discussion, which might seem to challenge a personal contest, I desire to say that I shall not enter upon it. Let not a word or a tone pass my lips to direct attention, for a moment, from the

transcendent theme, by the side of which Senators and Presidents are but dwarfs. I would not forget those amenities which belong to this place, and are so well calculated to temper the antagonism of debate; nor can I cease to remember and to feel, that amidst all diversities of opinion, we are the representatives of thirty-one sister republics, knit together by indissoluble tie, and constituting that Plural Unit, which we all embrace by the endearing name of country.

The question presented for your consideration is not surpassed in grandeur by any which has occurred in our national history since the Declaration of Independence. In every aspect it assumes gigantic proportions, whether we simply consider the extent of territory it concerns, or the public faith, and national policy which it assails, or that higher question — that *Question of Questions*, as far above others as Liberty is above the common things of life — which it opens anew for judgment.

It concerns an immense region, larger than the original thirteen States, vying in extent with all the existing free States, stretching over prairie, field, and forest — interlaced by silver streams, skirted by protecting mountains, and constituting the heart of the North American continent — only a little smaller, let me add, than three great European countries combined — Italy, Spain, and France, each of which, in succession, has dominated over the globe. This terri-

tory has already been likened, on this floor, to the Garden of God. The similitude is found, not merely in its present pure and virgin character, but in its actual geographical situation, occupying central spaces on this hemisphere, which, in their general relations, may well compare with that early Asiatic home. We are told that,

> Southward through Eden went a river large;

so here a stream flows southward which is larger than the Euphrates. And here, too, amidst all the smiling products of nature, lavished by the hand of God, is the lofty tree of Liberty, planted by our fathers, which, without exaggeration, or even imagination, may be likened to

> ——————— the tree of life,
> High eminent, blooming ambrosial fruit
> Of vegetable gold.

It is with regard to this territory, that you are now called to exercise the grandest function of the lawgiver, by establishing those rules of polity which will determine its future character. As the twig is bent the tree inclines; and the influences impressed upon the early days of an empire — like those upon a child — are of inconceivable importance to its future weal or woe. The bill now before us, proposes to organize and equip two new territorial establishments, with governors, secretaries, legislative councils, legislators, judges, marshals, and the whole machinery of

civil society. Such a measure, at any time, would deserve the most careful attention. But, at the present moment, it justly excites a peculiar interest, from the effort made — on pretences unsustained by facts — in violation of solemn covenant, and of the early principles of our fathers — to open this immense region to slavery.

According to existing law, this territory is now guarded against slavery by a positive prohibition, embodied in the act of Congress, approved March 6th, 1820, preparatory to the admission of Missouri into the Union, as a sister State, and in the following explicit words: —

"Sec. 8. *Be it further enacted,* That in all that territory *ceded by France to the United States, under the name of Louisiana,* which lies north of 36° 30′ of north latitude, not included within the limits of the State contemplated by this act, SLAVERY AND INVOLUNTARY SERVITUDE, otherwise than as the punishment of crimes, SHALL BE, AND IS HEREBY, FOREVER PROHIBITED."

It is now proposed to set aside this prohibition; but there seems to be a singular indecision as to the way in which the deed shall be done. From the time of its first introduction, in the report of the Committee on Territories, the proposition has assumed different shapes; and it promises to assume as many as Proteus; now, one thing in form, and now, another; now, like a river, and then like a

flame; but, in every form and shape, identical in substance; with but one end and aim — its be-all and end-all — the overthrow of the prohibition of slavery.

At first, it proposed simply to declare, that the States formed out of this territory should be admitted into the Union, "with or without slavery," and did not directly assume to touch this prohibition. For some reason this was not satisfactory, and then it was precipitately proposed to declare, that the prohibition in the Missouri act "was superseded by the principles of the legislation of 1850, commonly called the Compromise Measures, and is hereby declared inoperative." But this would not do; and it is now proposed to declare, that the prohibition, "being inconsistent with the principles of non-intervention, by Congress, with slavery in the States and Territories, as recognized by the legislation of 1850, commonly called the Compromise Measures, is hereby declared inoperative and void."

All this is to be done on pretences founded upon the slavery enactments of 1850, thus seeking, with mingled audacity and cunning, "by indirection to find direction out." Now, Sir, I am not here to speak in behalf of those measures, or to lean in any way upon their support. Relating to different subject-matters, contained in different acts, which prevailed successively, at different times, and by different votes — some persons voting for one measure, and some vot-

ing for another, and very few voting for all, they cannot be regarded as a unit, embodying conditions of compact, or compromise, if you please, adopted equally by all parties, and, therefore, obligatory on all parties. But since this broken series of measures has been adduced as an apology for the proposition now before us, I desire to say, that, such as they are, they cannot, by any effort of interpretation, by any distorting wand of power, by any perverse alchemy, be transmuted into a repeal of that original prohibition of slavery.

On this head there are several points to which I would merely call attention, and then pass on. *First:* The slavery enactments of 1850 did not pretend, in terms, to touch, much less to change, the condition of the Louisiana Territory, which was already fixed by Congressional enactment, but simply acted upon "newly-acquired Territories," the condition of which was not already fixed by Congressional enactment. The two transactions related to different subject-matters. *Secondly:* The enactments do not directly touch the subject of slavery, during the territorial existence of Utah and New Mexico; but they provide prospectively, that, when admitted as States, they shall be received "with or without slavery." Here certainly can be no overthrow of an act of Congress which directly concerns a Territory *during its territorial existence. Thirdly:* During all the discussion of these measures in Congress, and afterwards before

the people, and through the public press, at the North and the South alike, no person was heard to intimate that the prohibition of slavery in the Missouri act was in any way disturbed. And, *fourthly:* The acts themselves contain a formal provision, that "nothing herein contained shall be construed to impair or qualify any thing" in a certain article of the resolutions annexing Texas, wherein it is expressly declared, that in territory north of the Missouri Compromise line, "Slavery, or involuntary servitude, except for crime, shall be prohibited."

But I do not dwell on these things. These pretences have been already amply refuted by able Senators who have preceded me. It is clear, beyond contradiction, that the prohibition of slavery in this Territory has not been superseded or in any way contravened by the Slavery Acts of 1850. The proposition before you is, therefore, original in its character, without sanction from any former legislation, and it must, accordingly, be judged by its merits, as an original proposition.

Here, Sir, let it be remembered, that the friends of freedom are not open to any charge of aggression. They are now standing on the defensive, guarding the early intrenchments thrown up by our fathers. No proposition to abolish slavery anywhere, is now before you; but, on the contrary, a proposition to abolish freedom. The term Abolitionist, which is so often applied in reproach, justly belongs, on this occa-

sion, to him who would overthrow this well-established landmark. He is, indeed, no Abolitionist of Slavery; let him be called, Sir, an Abolitionist of Freedom. For myself, whether with many or few, my place is taken. Even if alone, my feeble arm should not be wanting as a bar against this outrage.

On two distinct grounds, "both strong against the deed," I arraign it: *First*, in the name of Public Faith, as an infraction of solemn obligations assumed beyond recall by the South on the admission of Missouri into the Union as a Slave State; *Secondly*, I arraign it in the name of Freedom, as an unjustifiable departure from the original anti-slavery policy of our fathers. These two heads I propose to consider in their order, glancing under the latter at the objections to the prohibition of slavery in the Territories.

And here, Sir, before I approach the argument, indulge me with a few preliminary words on the character of this proposition. Slavery is the forcible subjection of one human being, in person, labor, and property, to the will of another. In this simple statement is involved its whole injustice. There is no offence against religion, against morals, against humanity, which may not, in the license of this institution, stalk "unwhipt of justice." For the husband and wife there is no marriage; for the mother there is no assurance that her infant child will not be ravished from her breast; for all who bear the

name of slave, there is nothing that they can call their own. Without a father, without a mother, almost without a God, the slave has nothing but a master. It would be contrary to that Rule of Right, which is ordained by God, if such a system, though mitigated often by a patriarchal kindness, and by a plausible physical comfort, could be otherwise than pernicious in its influences. It is confessed, that the master suffers not less than the slave. And this is not all. The whole social fabric is disorganized; labor loses its dignity; industry sickens; education finds no schools, and all the land of slavery is impoverished. And now, Sir, when the conscience of mankind is at last aroused to these things; when, throughout the civilized world, a slave-dealer is a by-word and a reproach, we, as a nation, are about to open a new market to the traffickers in flesh, that haunt the shambles of the South. Such an act, at this time, is removed from all reach of that palliation often vouchsafed to slavery. This wrong, we are speciously told, by those who seek to defend it, is not our original sin. It was entailed upon us, so we are instructed, by our ancestors; and the responsibility is often, with exultation, thrown upon the mother country. Now, without stopping to inquire into the value of this apology, which is never adduced in behalf of other abuses, and which availed nothing against that kingly power, imposed by the mother country, and which our fathers overthrew, it

is sufficient for the present purpose, to know, that it is now proposed to make slavery our own original act. Here is a fresh case of actual transgression, which we cannot cast upon the shoulders of any progenitors, nor upon any mother country, distant in time or place. The Congress of the United States, the people of the United States, at this day, in this vaunted period of light, will be responsible for it, so that it shall be said hereafter, so long as the dismal history of slavery is read, that, in the year of Christ 1854, a new and deliberate act was passed, by which a vast territory was opened to its inroads.

Alone in the company of nations does our country assume this hateful championship. In despotic Russia, the serfdom which constitutes the "peculiar institution" of that great empire, is never allowed to travel with the imperial flag, according to the American pretension, into provinces newly acquired by the common blood and treasure, but is carefully restricted by positive prohibition, in harmony with the general conscience, within its ancient confines; and this prohibition — the Wilmot Proviso of Russia — is rigorously enforced on every side, in all the provinces, as in Besarabia on the south, and Poland on the west, so that, in fact, no Russian nobleman has been able to move into these important territories with his slaves. Thus Russia speaks for freedom, and disowns the slave-holding dogma of our country. Far away in the East, at the "gateways of the day," in

effeminate India, slavery has been condemned. In Constantinople, the queenly seat of the most powerful Mohammedan empire, where barbarism still mingles with civilization, the Ottoman Sultan has fastened upon it the stigma of disapprobation. The Barbary States of Africa, occupying the same parallels of latitude with the Slave States of our Union, and resembling them in the nature of their boundaries, their productions, their climate, and the "peculiar institution," which sought shelter in both, have been changed into Abolitionists. Algiers, seated on the line of 36° 30′, has been dedicated to freedom. Morocco, by its untutored ruler, has expressed its desire, stamped in the formal terms of a treaty, that the very name of slavery may perish from the minds of men; and only recently, from the Dey of Tunis has proceeded that noble act, by which, "In honor of God, and to distinguish man from the brute creation" — I quote his own words — he decreed its total abolition throughout his dominions. Let Christian America be willing to be taught by these examples. God forbid that our Republic — "heir of all the ages, foremost in the files of time" — should adopt anew the barbarism which they have renounced.

As the effort now making is extraordinary in character, so no assumption seems too extraordinary to be wielded in its support. The primal truth of the Equality of Men, as proclaimed in our Declara-

tion of Independence, has been assailed, and this Great Charter of our country discredited. Sir, you and I will soon pass away, but that will continue to stand, above impeachment or question. The Declaration of Independence was a Declaration of Rights, and the language employed, though general in its character, must obviously be restrained within the design and sphere of a Declaration of Rights, involving no such absurdity as was attributed to it yesterday by the Senator from Indiana [Mr. PETTIT]. Sir, it is a palpable fact that men are not born equal in physical strength or in mental capacities, in beauty of form or health of body. These mortal cloaks of flesh differ, as do these worldly garments. Diversity or inequality, in these respects, is the law of creation. But, as God is no respecter of persons, and as all are equal in his sight, whether Dives or Lazarus, master or slave, so are all equal in natural inborn rights; and, pardon me, if I say, it is a vain sophism to adduce in argument against this vital axiom of Liberty, the physical or mental inequalities by which men are characterized, or the unhappy degradation to which, in violation of a common brotherhood, they are doomed. To deny the Declaration of Independence is to rush on the bosses of the shield of the Almighty, which, in all respects, the supporters of this measure seem to do.

To the delusive suggestion of the Senator from North Carolina, [Mr. BADGER,] that by the overthrow

of this prohibition, the number of slaves will not be increased; that there will be simply a beneficent diffusion of slavery, and not its extension, I reply at once, that this argument, if of any value — if not mere words and nothing else — would equally justify and require the overthrow of the prohibition of slavery in the free States, and, indeed, everywhere throughout the world. All the dikes which, in different countries, from time to time, with the march of civilization, have been painfully set up against the inroads of this evil, must be removed, and every land opened anew to its destructive flood. It is clear, beyond dispute, that by the overthrow of this prohibition, slavery will be quickened, and slaves themselves will be multiplied, while new "room and verge" will be secured for the gloomy operations of slave law, under which free labor will droop, and a vast territory be smitten with sterility. Sir, a blade of grass would not grow where the horse of Attila had trod; nor can any true prosperity spring up in the footprints of the slave.

But it is argued that slaves will not be carried into Nebraska in large numbers, and that, therefore, the question is of small practical moment. My distinguished colleague, [Mr. Everett,] in his eloquent speech, hearkened to this apology, and allowed himself, while upholding the prohibition, to disparage its importance in a manner, from which I feel obliged kindly, but most strenuously, to dissent. Sir, the

census shows that it is of vital consequence. There is Missouri at this moment, with Illinois on the east and Nebraska on the west, all covering nearly the same spaces of latitude, and resembling each other in soil, climate, and productions. Mark now the contrast! By the potent efficacy of the Ordinance of the Northwestern Territory, Illinois is now a free State, while Missouri has 87,422 slaves; and the simple question which challenges an answer is whether Nebraska shall be preserved in the condition of Illinois, or surrendered to that of Missouri? Surely this cannot be treated lightly. But for myself, I am unwilling to measure the exigency of the prohibition by the number of persons, whether many or few, whom it may protect. Human rights, whether in a vast multitude or a solitary individual, are entitled to an equal and unhesitating support. In this spirit, the flag of our country only recently became the impenetrable panoply of a homeless wanderer, who claimed its protection in a distant sea; and in this spirit, I am constrained to declare that there is no place accessible to human avarice, or human lust, or human force — whether in the lowest valley, or on the loftiest mountain-top, whether on the broad flower-spangled prairies, or the snowy caps of the Rocky Mountains — where the prohibition of slavery, like the commandments of the Decalogue, should not go.

But leaving these things behind, I press at once to the argument.

I. And now, Sir, in the name of that Public Faith, which is the very ligament of civil society, and which the great Roman orator tells us it is detestable to break even with an enemy, I arraign this scheme, and hold it up to the judgment of all who hear me. There is an early Italian story of an experienced citizen, who, when his nephew told him he had been studying, at the University of Bologna, the science of *right*, said, in reply, "You have spent your time to little purpose. It would have been better had you learned the science of *might*, for that is worth two of the other;" and the bystanders of that day all agreed that the veteran spoke the truth. I begin, Sir, by assuming that honorable Senators will not act in this spirit — that they will not substitute *might* for *right* — that they will not wantonly and flagitiously discard any obligation, pledge, or covenant, because they chance to possess the power; but that, as honest men, desirous to do right, they will confront this question.

Sir, the proposition before you involves not merely the repeal of an existing law, but the infraction of solemn obligations originally proposed and assumed by the South, after a protracted and embittered contest, as a covenant of peace — with regard to certain specified territory therein described, namely, "All that territory ceded by France to the United States, under the name of Louisiana;" according to which, in consideration of the admission into the Union of

Missouri as a Slave State, slavery was forever prohibited in all the remaining part of this territory which lies north of 36° 30′. This arrangement, between different sections of the Union — the Slave States of the first part, and the Free States of the second part — though usually known as the Missouri Compromise, was at the time styled a COMPACT. In its stipulations for slavery, it was justly repugnant to the conscience of the North, and ought never to have been made; but it has on that side been performed. And now the unperformed outstanding obligations to freedom, originally proposed and assumed by the South, are resisted.

Years have passed since these obligations were embodied in the legislation of Congress, and accepted by the country. Meanwhile, the statesmen by whom they were framed and vindicated, have, one by one, dropped from this earthly sphere. Their living voices cannot now be heard, to plead for the preservation of that Public Faith to which they were pledged. But this extraordinary lapse of time, with the complete fruition by one party of all the benefits belonging to it, under the compact, gives to the transaction an added and most sacred strength. Prescription steps in with new bonds to confirm the original work; to the end that while men are mortal, controversies shall not be immortal. Death, with inexorable scythe, has mowed down the authors of this compact; but, with conservative hour-glass, it

has counted out a succession of years, which now defile before us, like so many sentinels, to guard the sacred landmark of freedom.

A simple statement of facts, derived from the journals of Congress and contemporary records, will show the origin and nature of this compact, the influence by which it was established, and the obligations which it imposed.

As early as 1818, at the first session of the Fifteenth Congress, a bill was reported to the House of Representatives, authorizing the people of the Missouri Territory to form a Constitution and State Government, for the admission of such State into the Union; but, at that session, no final action was had thereon. At the next session, in February, 1819, the bill was again brought forward, when an eminent Representative of New York, whose life has been spared till this last summer, Mr. James Tallmadge, moved a clause prohibiting any further introduction of slaves into the proposed State, and securing freedom to the children born within the State after its admission into the Union, on attaining twenty-five years of age. This important proposition, which assumed a power not only to prohibit the ingress of slavery into the State itself, but also to abolish it there, was passed in the affirmative, after a vehement debate of three days. On a division of the question, the first part, prohibiting the further introduction of slaves, was adopted by 87 yeas to 76

nays; the second part, providing for the emancipation of children, was adopted by 82 yeas to 78 nays. Other propositions to thwart the operation of these amendments were voted down, and on the 17th of February the bill was read a third time, and passed, with these important restrictions.

In the Senate, after debate, the provision for the emancipation of children was struck out by 31 yeas to 7 nays; the other provision, against the further introduction of slavery, was struck out by 22 yeas to 16 nays. Thus emasculated, the bill was returned to the House, which, on March 2d, by a vote of 78 nays to 76 yeas, refused its concurrence. The Senate adhered to their amendments, and the House, by 78 yeas to 66 nays, adhered to their disagreement; and so at this session the Missouri Bill was lost; and here was a temporary triumph of freedom.

Meanwhile, the same controversy was renewed on the bill pending at the same time for the organization of the Territory of Arkansas, then known as the southern part of the Territory of Missouri. The restrictions already adopted in the Missouri Bill were moved by Mr. Taylor, of New York, subsequently Speaker, but after at least six close votes, on the yeas and nays, in one of which the House was equally divided, 88 yeas to 88 nays, they were lost. Another proposition by Mr. Taylor, simpler in form, that slavery should not hereafter be introduced into this Territory, was lost by 90 nays to 86 yeas; and

the Arkansas Bill on February 25th was read the third time, and passed. In the Senate Mr. Burrill, of Rhode Island, moved, as an amendment, the prohibition of the further introduction of slavery into this Territory, which was lost by 19 nays to 14 yeas. And thus, without any provision for freedom, Arkansas was organized as a Territory; and here was a triumph of slavery.

At this same session, Alabama was admitted as a Slave State, without any restriction or objection.

It was in the discussion on the Arkansas Bill, at this session, that we find the earliest suggestion of a compromise. Defeated in his efforts to prohibit slavery in this Territory, Mr. Taylor stated that "he thought it important that some line should be designated beyond which slavery should not be permitted," and he moved its prohibition hereafter in all Territories of the United States north of 36° 30′ north latitude, *without any exception of Missouri, which is north of this line.* This proposition, though withdrawn after debate, was at once welcomed by Mr. Livermore, of New Hampshire, "as made in the true spirit of compromise." It was opposed by Mr. Rhea, of Tennessee, on behalf of slavery, who avowed himself against every restriction; and also by Mr. Ogle, of Pennsylvania, on behalf of freedom, who was "against any compromise by which slavery, in any of the Territories, should be reorganized or sanctioned by Congress." In this spirit it was opposed and sup-

ported by others, among whom was General Harrison, afterwards President of the United States, who "assented to the expediency of establishing some such line of discrimination;" but proposed a line due west from the mouth of the Des Moines, thus constituting the northern, and not the southern boundary of Missouri, the partition line between freedom and slavery.

But this idea of compromise, though suggested by Mr. Taylor, was thus early adopted and vindicated in this very debate, by an eminent character, Mr. Louis McLane, of Delaware, who has since held high office in the country, and enjoyed no common measure of public confidence. Of all the leading actors in these early scenes, he and Mr. Mercer alone are yet spared. On this occasion he said:—

"The fixing of a line on the west of the Mississippi, north of which slavery should not be tolerated, *had always been with him a favorite policy*, and he hoped the day was not distant when, upon principles of *fair compromise*, it might constitutionally be effected. The present attempt he regarded as premature."

After opposing the restriction on Missouri, he concluded by declaring:—

"At the same time, I do not mean to abandon the policy to which I alluded in the commencement of my remarks. I think it but fair that both sections of the Union should be accommodated on this subject, with regard to which so much feeling has been manifested. The same great motives of policy which reconciled and harmonized the jarring and discordant elements of our system originally, and which enabled the framers of our happy Constitution to compromise the different interests which

then prevailed on this and other subjects, if properly cherished by us, will enable us to achieve similar objects. If we meet upon principles of reciprocity, we cannot fail to do justice to all. *It has already been avowed, by gentlemen on this floor from the South and the West, that they will agree upon a line which shall divide the slave-holding from the non-slave-holding States. It is this proposition I am anxious to effect; but I wish to effect it by some compact which shall be binding upon all parties, and all subsequent Legislatures;* which cannot be changed, and will not fluctuate with the diversity of feeling and of sentiment to which this empire, in its march, must be destined. There is a vast and immense tract of country west of the Mississippi, yet to be settled, and intimately connected with the northern section of the Union, upon which this compromise can be effected."

The suggestions of compromise were at this time vain. Each party was determined. The North, by the prevailing voice of its representatives, claimed all for freedom; the South, by its potential command of the Senate, claimed all for slavery.

The report of this debate aroused the country. For the first time in our history, freedom, after an animated struggle, hand to hand, had been kept in check by slavery. The original policy of our fathers in the restriction of slavery, was suspended, and this giant wrong threatened to stalk into all the broad national domain. Men at the North were humbled and amazed. The imperious demands of slavery seemed incredible. Meanwhile, the whole subject was adjourned from Congress to the people. Through the press, and at public meetings, an earnest voice was raised against the admission of Missouri into the Union without the restriction of slavery. Judges

left the bench, and clergymen the pulpit, to swell the indignant protest which went up from good men, without distinction of party or of pursuit.

The movement was not confined to a few persons, nor to a few States. A public meeting, at Trenton, in New Jersey, was followed by others in New York and Philadelphia, and finally at Worcester, Salem, and Boston, where committees were organized to rally the country. The citizens of Baltimore, convened at the court-house, with the Mayor in the chair, resolved, that the future admission of slaves into the States hereafter formed west of the Mississippi, ought to be prohibited by Congress. Villages, towns, and cities, by memorial, petition, and prayer, called upon Congress to maintain the great principle of the prohibition of slavery. The same principle was also commended by the resolutions of State Legislatures; and Pennsylvania, inspired by the teachings of Franklin and the convictions of the respectable denomination of Friends, unanimously asserted at once the right and the duty of Congress to prohibit slavery west of the Mississippi, and solemnly appealed to her sister States "to refuse to covenant with crime." New Jersey and Delaware followed, both also unanimously. Ohio asserted the same principle; so did also Indiana. The latter State, not content with providing for the future, severely censured one of its Senators, for his vote to organize Arkansas without the prohibition of slavery.

The resolutions of New York were reinforced by the recommendation of De Witt Clinton.

Amidst these excitements, Congress came together in December, 1819, taking possession of these Halls of the Capitol for the first time since their desolation by the British. On the day after the receipt of the President's message, two several committees of the House were constituted, one to consider the application of Maine, and the other of Missouri, to enter the Union as separate and independent States. With only the delay of a single day, the bill for the admission of Missouri was reported to the House without the restriction of slavery; but, as if shrinking from the immediate discussion of the great question it involved, afterwards, on the motion of Mr. Mercer, of Virginia, its consideration was postponed for several weeks; all which, be it observed, is in open contrast with the manner in which the present discussion has been precipitated upon Congress. Meanwhile, the Maine Bill, when reported to the House, was promptly acted upon, and sent to the Senate.

In the interval between the report of the Missouri Bill and its consideration by the House, a committee was constituted, on motion of Mr. Taylor, of New York, to inquire into the expediency of prohibiting the introduction of slavery into the Territories west of the Mississippi. This committee, at the end of a fortnight, was discharged from further consideration

of the subject, which, it was understood, would enter into the postponed debate on the Missouri Bill. This early effort to interdict slavery in the Territories by a special law is worthy of notice, on account of some of the expressions of opinion which it drew forth. In the course of his remarks, Mr. Taylor declared, that "he presumed there were no members — he knew of none — who doubted the constitutional power of Congress to impose such a restriction on the Territories."

A generous voice from Virginia recognized at once the right and duty of Congress. This was from Charles Fenton Mercer, who declared that, "When the question proposed should come fairly before the House, he should support the proposition. He should record his vote against suffering the dark cloud of inhumanity, which now darkened his country, from rolling on beyond the peaceful shores of the Mississippi."

At length, on the 26th January, 1820, the House resolved itself into Committee of the Whole on the Missouri Bill, and proceeded with its discussion, day by day, till the 28th of February, when it was reported back with amendments. But meanwhile the same question was presented to the Senate, where a conclusion was reached earlier than in the House. A clause for the admission of Missouri was moved by way of tack to the Maine Bill. To this an amendment was moved by Mr. Roberts, of Pennsylvania,

prohibiting the further introduction of slavery into the State, which, after a fortnight's debate, was defeated by 27 nays to 16 yeas.

The debate in the Senate was of unusual interest and splendor. It was especially illustrated by an effort of transcendent power from that great lawyer and orator, William Pinkney. Recently returned from a succession of missions to foreign courts, and at this time the acknowledged chief of the American bar, particularly skilled in questions of constitutional law, his course as a Senator from Maryland was calculated to produce a profound impression. In a speech which drew to this Chamber an admiring throng for two days, and which at the time was fondly compared with the best examples of Greece and Rome, he first authoritatively proposed and developed the Missouri Compromise. His masterly effort was mainly directed against the restriction upon Missouri, but it began and ended with the idea of compromise. "Notwithstanding," he says, "occasional appearances of rather an unfavorable description, I have long since persuaded myself that the *Missouri Question*, as it is called, might be laid to rest, with innocence and safety, by some *conciliatory compromise* at least, by which, as is our duty, we might reconcile the extremes of conflicting views and feelings, without any sacrifice of constitutional principles." And he closed with the hope that the restriction on Missouri would not be pressed, but

that the whole question "might be disposed of in a manner satisfactory to all *by a positive prohibition of slavery in the territory to the north and west of Missouri.*"

This authoritative proposition of compromise, from the most powerful advocate of the unconditional admission of Missouri, was made in the Senate on the 21st of January. From various indications, it seems to have found prompt favor in that body. Finally, on the 17th of February, the union of Maine and Missouri in one bill prevailed there, by 23 yeas to 21 nays. On the next day, Mr. Thomas, of Illinois, who had always voted with the South against any restriction upon Missouri, introduced the famous clause prohibiting slavery north of 36° 30′, which now constitutes the eighth section of the Missouri Act. An effort was made to include the Arkansas Territory within this prohibition; but the South united against this extension of the area of freedom, and it was defeated by 24 nays to 20 yeas. The prohibition, as moved by Mr. Thomas, then prevailed, by 34 yeas to only 10 nays. Among those in the affirmative were both the Senators from each of the Slave States, Louisiana, Tennessee, Kentucky, Delaware, Maryland, and Alabama, and also one of the Senators from each of the Slave States, Mississippi and North Carolina, including in the honorable list the familiar names of William Pinkney, James Brown, and William Rufus King.

This bill, thus amended, is the first legislative

embodiment of the Missouri Compact, or Compromise, the essential conditions of which were the admission of Missouri as a State, without any restriction of slavery; and the prohibition of slavery in all the remaining territory of Louisiana north of 36° 30′. Janus-faced, with one front towards freedom and another towards slavery, this must not be confounded with the simpler proposition of Mr. Taylor, at the last session, to prohibit slavery in all the territory north of 36° 30′, including Missouri. The Compromise now presented — following the early lead of Mr. McLane — both recognized and prohibited slavery north of 36° 30′. Here, for the first time, these two opposite principles commingled in one legislative channel; and it is immediately subsequent to this junction that we discern the precise responsibility assumed by different parties. And now observe the indubitable and decisive fact. This bill, thus composed, containing these two elements — this double measure — finally passed the Senate by a test vote of 24 yeas to 20 nays. The yeas embraced every southern Senator, except Nathaniel Macon, of North Carolina, and William Smith, of South Carolina.

Mr. Butler (interrupting). Mr. Gaillard, of South Carolina, voted with Mr. Smith.

Mr. Sumner. No, Sir. The Journal, which I now hold in my hand, shows that he voted for the Compromise. I repeat that the yeas, on this vital question, embraced every southern Senator, except Mr.

Macon and Mr. Smith. The nays embraced every northern Senator, except the two Senators from Illinois, and one Senator from Rhode Island, and one from New Hampshire. And this, Sir, is the record of the first stage in the adoption of the Missouri Compromise. First openly announced and vindicated on the floor of the Senate by a distinguished southern statesman, it was forced on the North by an almost unanimous southern vote.

While things had thus culminated in the Senate, discussion was still proceeding in the other House on the original Missouri Bill. This was for a moment arrested by the reception from the Senate of the Maine Bill, embodying the Missouri Compromise. Upon this the debate was brief and the decision prompt. But here even at this stage, as at every other, a southern statesman intervenes. Mr. Smith, of Maryland, for many years an eminent Senator of that State, but at this time a Representative, while opposing the restriction of Missouri, vindicated the prohibition of slavery in the Territories, and thus practically accepted the Compromise.

"Mr. S. Smith said that he rose principally with a view to state his understanding of the proposed amendment, viz.: That it retained the boundaries of Missouri as delineated in the bill; that it prohibited the admission of slaves west of the west line of Missouri and north of the north line; that it did not interfere with the Territory of Arkansas, or the uninhabited land west thereof. *He thought the proposition not exceptionable*, but doubted the propriety of its forming a part of the bill. He considered the power of Congress over the Territory as supreme, un-

limited, before its admission; that Congress could impose on its territories any restriction it thought proper; that if citizens go into the territories thus restricted they cannot carry with them slaves. They will be without slaves, and will be educated with prejudices and habits such as will exclude all desire, on their part, to admit slavery when they shall become sufficiently numerous to be admitted as a State. And this is the advantage proposed by the amendment."

But the House were not disposed to abandon the substantial restriction of slavery in Missouri for what seemed its unsubstantial prohibition in an unsettled territory. The Compromise was rejected, and the bill left in its original condition. This was done by large votes. Even the prohibition of slavery was thrown out by 159 yeas to 18 nays, both the North and the South uniting against it; though, in this small but persistent minority, we find two southern statesmen, Samuel Smith and Charles Fenton Mercer. The Senate, on receiving the bill back from the House, insisted on their amendments. The House in turn insisted on their disagreement. According to parliamentary usage, a Committee of Conference between the two Houses was appointed. Mr. Thomas, of Illinois, Mr. Pinkney, of Maryland, and Mr. James Barbour, of Virginia, composed this important committee on the part of the Senate; and Mr. Holmes, of Maine, Mr. Taylor, of New York, Mr. Lowndes, of South Carolina, Mr. Parker, of Massachusetts, and Mr. Kinsey, of New Jersey, on the part of the House.

Meanwhile the House had voted on the original Missouri Bill. An amendment, peremptorily inter-

dicting all slavery in the new State, was adopted by 94 yeas to 86 nays; and thus the bill passed the House, and was sent to the Senate March 1. Thus, after an exasperated and protracted discussion, the two Houses were at a dead-lock. The double-headed Missouri Compromise was the ultimatum of the Senate. The restriction of slavery in Missouri, involving, of course, its prohibition in the unorganized Territories, was the ultimatum of the House.

At this stage, on the 2d of March, the Committee of Conference made their report, which was urged at once upon the House by Mr. Lowndes, the distinguished Representative from South Carolina, and one of her most precious sons. At the mention of this name, still so fragrant among us, let me, for one moment, stop this current of history to express the tender admiration with which I am inspired. Mr. Lowndes died before my memory of political events; but he is still endeared by the single utterance — *that the Presidency is an office never to be sought* — which, by its beauty, shames the vileness of aspiration in our day, and will ever live as an amaranthine flower. Such a man on any occasion would be a host; but he now threw his great soul into the work. He even objected to a motion to print the report, on the ground "that it would imply a determination in the House to delay a decision of the subject to-day, which he had hoped the House was fully prepared for." The question then came, on

striking out the restriction in the Missouri Bill. The report in the National Intelligencer says: —

"Mr. Lowndes spoke briefly in support of the Compromise recommended by the Committee of Conference, and urged with great earnestness the propriety of a decision which would restore tranquillity to the country, which was demanded by every consideration of discretion, of moderation, of wisdom, and of virtue.

"Mr. Mercer, of Virginia, followed on the same side with great earnestness, and had spoken about half an hour, when he was compelled by indisposition to resume his seat."

Such efforts, pressed with southern ardor, were not unavailing. In conformity with the report of the committee, the whole question was forthwith put at rest. Maine and Missouri were each admitted into the Union as independent States. The restriction of slavery in Missouri was abandoned by a vote in the House of 90 yeas to 87 nays; and the prohibition of slavery in all Territories north of 36° 30′, exclusive of Missouri, was substituted by a vote of 134 yeas to 42 nays. Among the distinguished southern names in the affirmative, are Louis McLane, of Delaware; Samuel Smith, of Maryland; William Lowndes, of South Carolina; and Charles Fenton Mercer, of Virginia. The title of the Missouri Bill was amended, in conformity with this prohibition, by adding the words, "and to prohibit slavery in certain Territories." *The bills then passed both Houses without a division;* and on the morning of the 3d March, 1820, the National Intelligencer contained an exulting article, entitled "The Question Settled."

Another paper, published in Baltimore, immediately after the passage of the Compromise, vindicated it as a perpetual compact, which could not be disturbed. The language is so clear and strong that I will read it, although it has been already quoted by my able and most excellent friend from Ohio, [Mr. CHASE]: —

"*It is true the Compromise is supported only by the letter of the law, repealable by the authority which enacted it; but the circumstances of the case give this law a* MORAL FORCE *equal to that of a positive provision of the Constitution; and we do not hazard any thing by saying that the Constitution exists in its observance.* Both parties have sacrificed much to conciliation. *We wish to see the* COMPACT *kept in good faith*, and we trust that a kind Providence will open the way to relieve us of an evil which every good citizen deprecates as the supreme curse of the country." — *Niles's Register.*

Sir, the distinguished leaders in this settlement were all from the South. As early as February, 1819, Louis McLane, of Delaware, had urged it upon Congress, "by some compact binding upon all subsequent Legislatures." It was in 1820 brought forward and upheld in the Senate by William Pinkney, of Maryland, and passed in that body by the vote of every southern Senator except two, against the vote of every northern Senator except four. In the House it was welcomed at once by Samuel Smith, of Maryland, and Charles Fenton Mercer, of Virginia. The Committee of Conference, through which it finally prevailed, was filled, on the part of the Senate, with inflexible partisans of the South, such as might fitly represent the sentiments of its Presi-

dent, John Gaillard, a Senator from South Carolina: on the part of the House, it was nominated by Henry Clay, the Speaker, and Representative from Kentucky. This committee, thus constituted, drawing its double life from the South, was unanimous in favor of the Compromise. A private letter from Mr. Pinkney, written at the time, and preserved by his distinguished biographer, shows that the report made by the committee came from him: —

"The bill for the admission of Missouri into the Union (*without* restriction as to slavery) may be considered as passed. That bill was sent back again this morning from the House, *with the restriction as to slavery.* The Senate voted to amend it by striking out the restriction, (27 to 15,) and proposed, as another amendment, *what I have all along been the advocate of, a restriction upon the vacant territory to the north and west, as to slavery.* To-night the House of Representatives have agreed to *both* of these amendments, in opposition to their former votes, and this affair is settled. To-morrow we shall (of course) recede from our amendments as to Maine, (our object being effected,) and both States will be admitted. *This happy result has been accomplished by the Conference, of which I was a member on the part of the Senate, and of which I proposed the report which has been made.*"

Thus again the Compromise takes its life from the South. Proposed in the committee by Mr. Pinkney, it was urged on the House of Representatives, with great earnestness, by Mr. Lowndes, of South Carolina, and Mr. Mercer, of Virginia; and here again is the most persuasive voice of the South. When passed by Congress, it next came before the President, James Monroe, of Virginia, for his approval, who did not sign it till after the unanimous opinion, in

writing, of his Cabinet, composed of John Quincy Adams, William H. Crawford, Smith Thompson, John C. Calhoun, and William Wirt — a majority of whom were southern men — that the prohibition of slavery in the Territories was constitutional. Thus yet again the Compromise takes its life from the South.

As the Compromise took its life from the South, so the South, in the judgment of its own statesmen at the time, and according to unquestionable facts, was the conquering party. It gained forthwith its darling desire, the first and essential stage in the admission of Missouri as a Slave State successfully consummated at the next session; and subsequently the admission of Arkansas, also as a Slave State. From the crushed and humbled North it received more than the full consideration stipulated in its favor. On the side of the North the contract has been more than executed. And now the South refuses to perform the part which it originally proposed and assumed in this transaction. With the consideration in its pocket, it repudiates the bargain which it forced upon the country. This, Sir, is a simple statement of the present question.

A subtle German has declared, that he could find heresies in the Lord's Prayer — and I believe it is only in this spirit that any flaw can be found in the existing obligations of this compact. As late as 1848, in the discussions of this body, the Senator from Virginia, who usually sits behind me, [Mr.

MASON,] but who is not now in his seat, while condemning it in many aspects, says: —

"Yet as it was agreed to as a compromise by the *South* for the sake of the Union, *I would be the last to disturb it.*" [*Cong. Globe, Appendix, 1st sess. 30th Cong. Vol.* 19, *p.* 887.

Even this distinguished Senator recognized it as an obligation which he would not disturb. And, though disbelieving the original constitutionality of the arrangement, he was clearly right. I know, Sir, that it is in form simply a legislative act; but as the Act of Settlement in England, declaring the rights and liberties of the subject and settling the succession of the Crown, has become a permanent part of the British Constitution, irrepealable by any common legislation, so this act, under all the circumstances attending its passage, also by long acquiescence and the complete performance of its conditions by one party, has become a part of our fundamental law, irrepealable by any common legislation. As well might Congress at this moment undertake to overhaul the original purchase of Louisiana, as unconstitutional, and now, on this account, thrust away that magnificent heritage, with all its cities, States, and Territories, teeming with civilization. The Missouri Compact, in its unperformed obligations to freedom, stands at this day as impregnable as the Louisiana purchase.

I appeal to Senators about me, not to disturb it.

I appeal to the Senators from Virginia, to keep inviolate the compact made in their behalf by James Barbour and Charles Fenton Mercer. I appeal to the Senators from South Carolina, to guard the work of John Gaillard and William Lowndes. I appeal to the Senators from Maryland, to uphold the Compromise which elicited the constant support of Samuel Smith, and was first triumphantly pressed by the unsurpassed eloquence of Pinkney. I appeal to the Senators from Delaware, to maintain the landmark of freedom in the Territory of Louisiana, early espoused by Louis McLane. I appeal to the Senators from Kentucky, not to repudiate the pledges of Henry Clay. I appeal to the Senators from Alabama, not to break the agreement sanctioned by the earliest votes in the Senate of their late most cherished fellow-citizen, William Rufus King. Sir, I have heard of an honor, that felt a stain like a wound. If there be any such in this Chamber — as surely there is — it will hesitate to take upon itself the stain of this transaction.

Sir, Congress may now set aside this obligation, repudiate this plighted faith, annul this compact; and some of you, forgetful of the *majesty of honest dealing*, in order to support slavery, may consider it advantageous to use this power. To all such let me commend a familiar story: An eminent leader in antiquity, Themistocles, once announced to the Athenian Assembly that he had a scheme to propose

highly beneficial to the State, but which could not be expounded to the many. Aristides, surnamed the Just, was appointed to receive the secret, and to report upon it. His brief and memorable judgment was, that, while nothing could be more advantageous to Athens, nothing could be more unjust; and the Athenian multitude, responding at once, rejected the proposition. It appears that it was proposed to burn the combined Greek fleet, which then rested in the security of peace in a neighboring sea, and thus confirm the naval supremacy of Athens. A similar proposition is now brought before the American Senate. You are asked to destroy a safeguard of freedom, consecrated by solemn compact, under which the country is now reposing in the security of peace, and thus confirm the supremacy of slavery. To this institution and its partisans the proposition may seem to be advantageous; but nothing can be more unjust. Let the judgment of the Athenian multitude be yours.

This is what I have to say upon this head. I now pass to the second branch of the argument.

II. Mr. President, it is not only as an infraction of solemn compact, embodied in ancient law, that I arraign this bill. I arraign it also as a flagrant and extravagant departure from the original policy of our fathers, consecrated by their lives, opinions, and acts.

And here, Sir, bear with me in a brief recital of

unquestionable facts. At the period of the Declaration of Independence, there was upwards of half a million colored persons in slavery throughout the United Colonies. These unhappy people were originally stolen from Africa, or were the children of those who had been stolen, and, though distributed throughout the whole country, were to be found in largest number in the southern States. But the spirit of freedom then prevailed in the land. The fathers of the Republic, leaders in the war of Independence, were struck with the inconsistency of an appeal for their own liberties, while holding in bondage their fellow men, only "guilty of a skin not colored like their own." The same conviction animated the hearts of the people, whether at the North or South. In a town meeting, at Danbury, Connecticut, held on the 12th of December, 1778, the following declaration was made: —

"It is with singular pleasure we note the second article of the Association, in which it is agreed to import no more negro slaves, as we cannot but think it a palpable absurdity so loudly to complain of attempts to enslave *us* while we are actually enslaving *others*." — *Am. Archives, 4th Series, Vol. I, p.* 1038.

The South responded in similar strains. At a meeting in Darien, Georgia, in 1775, the following important resolution was put forth: —

"To show the world that we are not influenced by any contracted or interested motives, but by a general philanthropy for all mankind, of whatever climate, language, or complexion, *we hereby declare our disap-*

probation and abhorrence of the unnatural practice of slavery in (however the uncultivated state of the country or other specious arguments may plead for it) *a practice founded in injustice and cruelty, and highly dangerous to our liberties as well as lives, debasing part of our fellow-creatures below men, and corrupting the virtue and morals of the rest,* and laying the basis of that liberty we contend for, and which we pray the Almighty to continue to the latest posterity, upon a very wrong foundation. We therefore resolve at all times to *use our utmost endeavors for the manumission* of our slaves in this Colony, upon the most safe and equitable footing for the masters and themselves." — *Am. Archives, 4th Series, Vol. I. p.* 1135.

The soul of Virginia, during this period, found also fervid utterance through Jefferson, who by precocious and immortal words, has enrolled himself among the earliest Abolitionists of the country. In his Address to the Virginia Convention of 1774, he openly avowed, while vindicating the rights of British America, that "the abolition of domestic slavery is the greatest object of desire in these Colonies, *where it was unhappily introduced in their infant state.*" And then again, in the Declaration of Independence, he embodied sentiments, which, when practically applied, will give freedom to every slave throughout the land. "We hold these truths to be self-evident," says our country, speaking by the voice of Jefferson, "that all men are created equal — that they are endowed with certain inalienable rights; that among these are life, *liberty*, and the pursuit of happiness." And again, in the Congress of the Confederation, he brought forward, as early as 1784, a resolution to exclude slavery from all the territory "ceded or to

be ceded" by the States of the Federal Government, including the whole territory now covered by Tennessee, Mississippi, and Alabama. Lost at first by a single vote only, this measure was renewed in a more restricted form at a subsequent day, by a son of Massachusetts, and, in 1787, was finally confirmed in the Ordinance of the North-western Territory, by a unanimous vote of the States.

Thus early and distinctly do we discern the anti-slavery character of the founders of our Republic, and their determination to place the National Government, within the sphere of its jurisdiction, openly, actively, and perpetually on the side of freedom.

The National Constitution was adopted in 1788. And here we discern the same spirit. The emphatic words of the Declaration of Independence, which our country took upon its lips as baptismal vows, when it claimed its place among the nations of the earth, were not forgotten. The preamble to the Constitution renews them, when it declares its object to be, among other things, "to establish justice, to promote the general welfare, and to secure the blessings of liberty to ourselves and posterity." Thus, according to undeniable words, the Constitution was ordained not to establish, secure, or sanction slavery — not to promote the special interest of slave-holders — not to make slavery national in any way, form, or manner — not to foster this great wrong, but to "establish justice" — "promote the general welfare,"

and "secure the blessings of liberty." The discreditable words *slave* and *slavery* were not allowed to find a place in this instrument, while a clause was subsequently added by way of amendment, and, therefore, according to the rules of interpretation, particularly revealing the sentiments of the founders, which is calculated, like the Declaration of Independence, if practically applied, to carry freedom to all within the sphere of its influence. It was specifically declared, that "no person shall be deprived of life, *liberty*, or property without due process of law;" that is, without due presentment, indictment, or other judicial proceeding. Here is an express guard of personal liberty, and an express interdict upon its invasion anywhere within the national jurisdiction.

It is evident, from the debates on the National Constitution, that slavery, like the slave-trade, was regarded as temporary; and it seems to have been supposed by many that they would both disappear together. Nor do any words employed in our day denounce it with an indignation more burning than those which glowed on the lips of the Fathers. Early in the Convention, Gouverneur Morris, of Pennsylvania, broke forth in the language of an Abolitionist: "He never would concur in upholding domestic slavery. It was a nefarious institution. It was the curse of Heaven." In another mood, and with mild, juridical phrase, Mr. Madison "thought it wrong to admit in the Constitution the idea of prop-

erty in man." And Washington, in letters written near this period — which completely describe the aims of an Abolitionist — avowed "that it was among his first wishes to see some plan adopted by which slavery may be abolished by law," and that to this end "his suffrage should not be wanting."

In this spirit was the National Constitution adopted. In this spirit the National Government was first organized under Washington. And here there is a fact of peculiar significance, to which I have already on a former occasion called attention, but which is well worthy of perpetual memory. At the time that this great chief took his first oath to support the Constitution of the United States, *the national ensign nowhere within the national territory covered a single slave.* On the sea an execrable piracy, the trade in slaves, was still, to the national scandal, tolerated under the national flag. In the States, as a sectional institution, beneath the shelter of local laws, slavery unhappily found a home. But in the only territories, at this time belonging to the nation, the broad region of the north-west, it had already, by the Ordinance of Freedom, been made impossible, even before the adoption of the Constitution. The District of Columbia, with its fatal dowry, had not yet been acquired.

Entering upon his high duties, Washington, himself an Abolitionist, was surrounded by men, who, by their lives and declared opinions, were pledged to warfare with slavery. There was John Adams,

the Vice-President — great vindicator and final negotiator of our national independence — whose soul, flaming with freedom, broke forth in the early declaration, that "consenting to slavery is a sacrilegious breach of trust," and whose immitigable hostility to this wrong has been made immortal in his descendants. There, also, was a companion in arms and attached friend, the yet youthful Hamilton, who, as a member of the Abolition Society of New York, had only recently united in a solemn petition for those who, "though *free by the laws of God*, are held in slavery *by the laws of the State*." There, too, was a noble spirit, of spotless virtue, and commanding influence, the ornament of human nature, who, like the sun, ever held an unerring course, John Jay. Filling the important post of Minister of Foreign Affairs under the Confederation, he found time to organize the Abolition Society of New York, and to act as its President, until, by the nomination of Washington, he became Chief-Justice of the United States. In his sight slavery was an "iniquity" — "a sin of crimson dye," against which ministers of the gospel should testify, and which the Government should seek in every way to abolish. "Were I in the Legislature," he wrote, "I would present a bill for the purpose with great care, and I would never cease moving it till it became a law or I ceased to be a member. Till America comes into this measure, her prayers to Heaven will be impious." By such

men was Washington surrounded, while from his own Virginia came the voice of Patrick Henry, amidst confessions that he was a master of slaves, crying "I will not, I cannot justify it. However culpable my conduct, I will so far pay my devoir to virtue as to own the excellence and rectitude of her precepts and lament my want of conformity to them." Such words as these, fitly coming from our leaders, belong to the true glories of the country: —

> "While we such precedents can boast at home,
> Keep thy Fabricius and thy Cato, Rome!"

The earliest Congress under the Constitution adopted the ordinance of freedom for the Northwestern Territory, and thus ratified the prohibition of slavery in all the existing Territories of the Union. In the list of those who sanctioned this act were men fresh from the labors of the Convention, and therefore familiar with its policy. But there is another voice which bears testimony in the same direction. Among the petitions presented to the First Congress was one from the Abolition Society of Pennsylvania, signed by Benjamin Franklin, as President. This venerable votary of freedom, who throughout a long life had splendidly served his country at home and abroad — who, as statesman and philosopher, had won the admiration of mankind — who had ravished the lightning from the skies and the sceptre from the tyrant — whose name,

signed to the Declaration of Independence, gave added importance even to that great instrument, and then again signed to the Constitution of the United States, filled it with the charm of wisdom — in whom more than in any other man, the true spirit of American Institutions, at once practical and humane, was embodied — who knew intimately the purposes and aspirations of the founders — this veteran statesman, then eighty-four years of age, appeared at the bar of that Congress, whose powers he had helped to define and establish, and by the last political act of his long life, solemnly entreated "that it would be pleased to countenance the restoration of liberty to those unhappy men, who alone in this land of freedom, are degraded into perpetual bondage," and "that it would step to the very verge of the power vested in it for DISCOURAGING every species of traffic in the persons of our fellow men." Only a short time after uttering this prayer, the patriot sage descended to the tomb; but he seems still to call upon Congress, in memorable words, *to step to the very verge of the powers vested in it to discourage slavery;* and this prayer, now sounding from the tomb of Franklin, proclaims the true national policy of the Fathers. Not encouragement, but discouragement of slavery, not its *nationalization*, but its *denationalization*, was their rule.

The memorial of Franklin, with other memorials of a similar character, was referred to a committee,

and much debated in the House, which finally sanctioned the following resolution, and directed the same to be entered upon its Journals: —

"That Congress have no authority to interfere in the emancipation of slaves, or in the treatment of them, within any of the States; *it remaining with the several States to provide any regulations therein, which humanity and true policy may require.*"

This resolution, declaring the principle of non-intervention by Congress with slavery in the States, was adopted by the same Congress which had solemnly affirmed the prohibition of slavery in all the existing territory of the Union; and not only by the same Congress, but at the same session, so that one may be regarded as the complement of the other. And it is on these double acts, at the first organization of the Government, and the recorded sentiments of the founders, that I take my stand, and challenge all question.

At this time there was strictly no dividing line in the country between anti-slavery and pro-slavery. The anti-slavery sentiment was thoroughly national, broad, and general, pervading alike all parts of the Union, and uprising from the common heart of the entire people. The pro-slavery interest was strictly personal and pecuniary, and had its source simply in the self-interest of individual slave-holders. It contemplated slavery only as a domestic institution — not as a political element — and merely stipulated for its security where it actually existed within the States.

Sir, the original policy of the country, begun under the Confederation, and recognized at the initiation of the new Government, is clear and unmistakable. Compendiously expressed, it was *non-intervention by Congress with slavery in the States, and its prohibition in all the national domain.* In this way, the discordant feelings on this subject were reconciled. Slave masters were left at home in their respective States to hug slavery, under the protection of local laws, without any interference from Congress, while all opposed to it were exempted from any responsibility therefor in the national domain. This, Sir, is the common ground on which our political fabric was reared; and I do not hesitate to say that it is the only ground on which it can stand in permanent peace.

It is beyond question, Sir, that our Constitution was framed by the lovers of Human Rights; that it was animated by their divine spirit; that the institution of slavery was regarded by them with aversion, so that, though covertly alluded to, it was not named in the instrument; that, according to the debates in the Convention, they refused to give it any "sanction," and looked forward to the certain day when it would be obliterated from the land. But the original policy of the Government did not long prevail. The generous sentiments which filled the early patriots, giving to them historic grandeur, gradually lost their power. The blessings of freedom

being already secured to themselves, the freemen of the land grew indifferent to the freedom of others. They ceased to think of the slaves. The slave masters availed themselves of this indifference, and, though few in numbers, compared with the non-slave-holders, even in the Slave States, (according to the late census they are fewer than three hundred thousand,) they have, under the influence of an imagined self-interest, by the skilful tactics of party, and especially by an unhesitating, persevering union among themselves — swaying, by turns, both the great political parties — succeeded, through a long succession of years, in obtaining the control of the National Government, bending it to their purposes, compelling it to do their will, and imposing upon it a policy friendly to slavery; offensive to freedom only, and directly opposed to the sentiments of its founders. Our Republic has swollen in population and power; but it has shrunk in character. It is not now what it was at the beginning, a Republic merely permitting, while it regretted slavery; tolerating it only where it could not be removed, and interdicting it where it did not exist — but a mighty Propagandist openly favoring and vindicating it; visiting, also, with displeasure all who oppose it.

Sir, our country early reached heights which it could not keep. Its fall was gentle but complete. At the session of Congress immediately following the ratification of the prohibition of slavery in the

national domain, a transfer of the territory now constituting Tennessee was accepted from North Carolina, (April 2, 1790,) loaded with the express condition "that no regulation made, or to be made, should tend to emancipate slaves;" a formal provision, which, while admitting the power of Congress over slavery in the Territories, waived the prevailing policy of executing it. This was followed, in 1798, by the transfer from Georgia of the region between her present western limit and the Mississippi, under a similar condition. In both these cases, an apology may be found in the very terms of the transfers, and in the fact that the region constituted a part of two States where slavery actually existed; though it will be confessed that even here there was a descent from that summit of freedom on which the nation had so proudly rested:—

> —— "From morn
> To noon he fell; from noon to dewy eve—
> A summer's day, and with the setting sun
> Dropp'd from the zenith, like a falling star."

But, without tracing this downward course through its successive stages, let me refer to facts, which too palpably reveal the abyss that has been reached. Early in our history, no man was disqualified for public office by reason of his opinions on this subject; and this condition continued for a long period. As late as 1821, John W. Taylor, Representative from New York, who had pressed with so much

energy, not merely the prohibition of slavery in the Territories, but its restriction in the State of Missouri, was elected to the chair of Henry Clay, as Speaker of the other House. It is needless to add, that no determined supporter of the Wilmot Proviso at this day could expect that eminent trust. An arrogant and unrelenting ostracism is now applied, not only to all who express themselves against slavery, but to every man who will not be its menial. A novel test for office has been introduced, which would have excluded all the Fathers of the Republic — even Washington, Jefferson, and Franklin. Yes, Sir; startling it may be, but indisputable. Could these illustrious men descend from their realms above, and revisit the land which they had nobly dedicated to freedom, they could not, with their well-known and recorded opinions against slavery, receive a nomination for the Presidency from either of the old political parties. Nor could John Jay, our first Chief-Justice, and great exemplar of judicial virtue — who hated slavery as he loved justice — be admitted to resume those duties with which his name on earth is indissolubly associated. To such lowest deep has our Government descended.

These things prepare us to comprehend the true character of the change with regard to the Territories. In 1780, all the existing national domain was promptly and unanimously dedicated to freedom, without opposition or criticism. The interdict of

slavery then covered every inch of soil belonging to the National Government. Louisiana, an immense region beyond the bounds of the original States, was subsequently acquired, and, in 1820, after a vehement struggle, which shook the whole land, discomfited freedom was compelled, by a dividing line, to a partition with slavery. This arrangement, which, in its very terms, was exclusively applicable to a particular territory purchased from France, has been accepted as final down to the present session of Congress; but now, Sir, here in 1854, freedom is suddenly summoned to surrender even her hard won moiety. Here are the three stages: at the first, all is consecrated to freedom; at the second, only half; while at the third all is to be opened to slavery. Thus is the original policy of the Government absolutely reversed. Slavery, which, at the beginning, was a sectional institution, with no foothold anywhere on the national territory, is now exalted as a national institution, and all our broad domain is threatened by its blighting shadow.

Thus much for what I have to say at this time, of the original policy, consecrated by the lives, opinions, and acts of our Fathers. Summoning to my side the majestic forms of these civil heroes, whose firmness in council was only equalled by the firmness of Washington in war, I might leave the cause in their care. But certain reasons are adduced for the proposed departure from their great example, and,

though these seem of little validity, yet I would not pass them in silence.

The prohibition of slavery in the Territories is assailed, as beyond the power of Congress, and an infringement of the local sovereignty. On this account it is, at this late day, pronounced unconstitutional. Now, without considering minutely the sources from which the power of Congress over the national domain is derived — whether from the express grant in the Constitution to make rules and regulations for the government of the territory, or from the power necessarily implied to govern territory acquired by conquest or purchase; it seems to me impossible to deny its existence, without invalidating a large portion of the legislation of the country, from the adoption of the Constitution down to the present day. This power was asserted before the Constitution. It was not denied or prohibited by the Constitution itself. It has been exercised from the first existence of the Government, and has been recognized by the three Departments — the Executive, the Legislative, and the Judicial. Precedents of every kind are thick in its support. Indeed, the very bill now before us, assumes a control of the territory clearly inconsistent with those principles of sovereignty, which are said to be violated by a Congressional prohibition of slavery.

Here are provisions, determining the main features in the Government — the distribution of powers

in the Executive, the Legislative, and Judicial Departments, and the manner in which they shall be respectively constituted — securing to the President, with the consent of the Senate, the appointment of the governor, the secretary, and the judges, and to the people the election of the legislature — ordaining the qualifications of voters, the salaries of the public officers, and the daily compensation of the members of the legislature. Surely, if Congress may establish these provisions, without any interference with the rights of territorial sovereignty, it is absurd to say that it may not also prohibit slavery.

But there is in the very bill an express prohibition on the Territory, borrowed from the Ordinance of 1787, and repeated in every act organizing a Territory, or even a new State, down to the present time, wherein it is expressly declared, that "no tax shall be imposed upon the property of the United States." Now, here is a clear and unquestionable restraint upon the sovereignty of Territories and States. The public lands of the United States, situated within an organized Territory or State, cannot be regarded as the *instruments* and *means* necessary and proper to execute the sovereign powers of the nation, like fortifications, arsenals, and navy yards. They are strictly in the nature of *private property* of the nation, and as such, unless exempted by the foregoing prohibition, would clearly be within the field of local taxation, liable, like the lands of other

proprietors, to all customary burdens and incidents. Mr. Justice Woodbury has declared, in a well-considered judgment, that —

"Where the United States own land situated within the limits of particular States, and over which they have no cession of jurisdiction, for objects either special or general, little doubt exists that the rights and remedies in relation to it are usually the same as apply to other landholders within the States." — *United States* v. 1 *Woodbury and Minot*, *p.* 76.

I assume, then, that without this prohibition these lands would be liable to taxation. Does any one question this? Nobody. The conclusion then follows, that by this prohibition you propose to deprive the present Territory, as you have deprived other Territories — aye, and States — of an essential portion of its sovereignty.

And these, Sir, are not vain words. The Supreme Court of the United States have given great prominence to the sovereign right of taxation in the States. In the case of Providence Bank *v.* Pittman, 4 Peters, 514, they declare —

"That the taxing power is of vital importance; *that it is essential to the existence of Government;* that the relinquishment of such power is never to be assumed."

And again, in the case of Dobbins *v.* Commissioners of Erie County, 16 Peters, 447, they say: —

"Taxation is a sacred right, *essential to the existence of Government — an incident of sovereignty.* The right of legislation is coextensive with the incident, to attach it upon all persons and property within the jurisdiction of the State."

Now, I call upon Senators to remark, that this sacred right, said to be essential to the very existence of Government, is abridged in the bill now before us.

For myself, I do not doubt the power of Congress to fasten this restriction upon the Territory, and afterwards upon the State, as has been always done; but I am at a loss to see on what grounds this can be placed, which will not also support the prohibition of slavery. The former is an unquestionable infringement of sovereignty, as declared by our Supreme Court, far more than can be asserted of the latter.

I am unwilling to admit, Sir, that the prohibition of slavery in the Territories is, in any just sense, an infringement of the local sovereignty. Slavery is an infraction of the immutable law of nature, and, as such, cannot be considered a natural incident to any sovereignty, especially in a country which has solemnly declared, in its Declaration of Independence, the inalienable right of all men to life, *liberty*, and the pursuit of happiness. In an age of civilization, and in a land of rights, slavery may still be tolerated in fact; but its prohibition within a municipal jurisdiction, by the Government thereof, as by one of the States of the Union, cannot be considered an infraction of natural rights; nor can its prohibition by Congress in the Territories be regarded as an infringement of the local sovereignty, founded, as it must be, on natural rights.

But another argument is pressed, most fallacious in its character. It is asserted that, inasmuch as the Territories were acquired by the common treasure, they are the common property of the whole Union; and, therefore, no citizen can be prevented from moving into them with his slaves, without an infringement of the equal rights and privileges which belong to him as a citizen of the United States. But, it is admitted, that the people of this very Territory, when organized as a State, may exclude slaves, and in this way abridge an asserted right founded on the common property in the Territory. Now, if this can be done by the few thousand settlers, who constitute the State Government, the whole argument founded on the acquisition of the Territories by a common treasure, seems futile and evanescent.

But this argument proceeds on an assumption which cannot stand. It assumes that slavery is a national institution, and that property in slaves is recognized by the Constitution of the United States. Nothing can be more false. By the judgment of the Supreme Court of the United States, and also by the principles of the common law, slavery is a local municipal institution, which derives its support exclusively from local municipal laws, and beyond the sphere of these laws it ceases to exist, except so far as it may be preserved by the clause for the rendition of fugitives from labor. Madison thought

it wrong to admit into the Constitution the idea that there can be no property in man; and I rejoice to believe that no such idea can be found there. The Constitution regards slaves always as "persons," with the rights of "persons," never as property. When it is said, therefore, that every citizen may enter the national domain with his property, it does not follow by any rule of logic or of law, that he may carry his slaves. On the contrary, he can only carry that property which is admitted to be such by the universal law of nature, written by God's own finger on the heart of man.

Again: The relation of master and slave is sometimes classed with the domestic relations. Now, while it is unquestionably among the powers of any State, within its own jurisdiction, to change the existing relation of husband and wife, and to establish polygamy, I presume no person would contend that a polygamous husband, resident in one of the States, would be entitled to enter the national territory with his harem — his property if you please — and there claim immunity. Clearly, when he passes the bounds of that local jurisdiction, which sanctions polygamy, the peculiar domestic relation would cease; and it is precisely the same with slavery.

Sir, I dismiss these considerations. The prohibition of slavery in the Territory of Nebraska stands on foundations of adamant, upheld by the early policy of the Fathers, by constant precedent, and

time-honored compact. It is now in your power to overturn it; you may remove the sacred landmark; and open the whole vast domain to slavery. To you is committed this high prerogative. Our fathers, on the eve of the Revolution, set forth in burning words among their grievances, that George III., "in order to keep open a market where men should be bought and sold, had prostituted his negative for suppressing every legislative attempt to prohibit or restrain this execrable commerce." Sir, like the English monarch, you may now prostitute your power to this same purpose. But you cannot escape the judgment of the world, nor the doom of history.

It will be in vain, that, while doing this thing, you plead, in apology, the principle of *self-government*, which you profess to recognize in the Territories. Sir, this very principle, when truly administered, secures equal rights to all, without distinction of color or race, and makes slavery impossible. By no rule of justice, and by no subtlety of political metaphysics, can the right to hold a fellow man in bondage be regarded as essential to self-government. The inconsistency is too flagrant. It is apparent on the bare statement. It is like saying *two* and *two* make *three*. In the name of liberty you open the door to slavery. With professions of Equal Rights on the lips, you trample on the rights of Human Nature. With a kiss upon the brow of that fair Territory you betray it to wretchedness and shame. Well did

the patriot soul exclaim, in bitter words, wrung out by bitter experience: "Oh Liberty! what crimes are done in thy name!"

In vain, Sir, you will plead, that this measure proceeds from the North, as has been suggested by the Senator from Kentucky [Mr. DIXON]. Even if this were true, it would be no apology. But, precipitated as this bill has been upon the Senate, at a moment of general calm, and in the absence of any controlling exigency, and then hurried to a vote in advance of the public voice, as if fearful of arrest, it cannot be justly called the offspring of any popular sentiment. In this respect it differs widely from the Missouri prohibition, which, after solemn debate, extending through two sessions of Congress, and ample discussion before the people, was adopted. Certainly there is, as yet, no evidence that this measure, though supported by northern men, proceeds from that northern sentiment which is to be found, strong and fresh, in the schools, the churches, and homes of the people. *Populi omnes* AD AQUILONEM *positi Libertatem quandem spirant.* And could this scheme be now submitted to the awakened millions whose souls have been truly ripened under northern skies, it would be branded at once with an indignant and undying condemnation.

But the race of men, "white slaves of the North," described and despised by a southern statesman, is not yet extinct there, Sir. It is one of the melan-

choly tokens of the power of slavery, under our political system, and especially through the operations of the National Government, that it loosens and destroys the character of northern men, even at a distance — like the black magnetic mountain in the Arabian story, under whose irresistible attraction the iron bolts, which held together the strong timbers of a stately ship, were drawn out, till the whole fell apart, and became a disjointed wreck. Alas! too often those principles, which give consistency, individuality, and form to the northern character, which render it staunch, strong, and seaworthy, which bind it together as with iron, are drawn out, one by one, like the bolts of the ill-fated vessel, and from the miserable, loosened fragments is formed that human anomaly — *a northern man with southern principles.* Sir, — No such man can speak for the North.

[Here there was an interruption of prolonged applause in the galleries.]

The PRESIDENT (Mr. STUART in the chair). The Chair will be obliged to order the galleries to be cleared, if order is not preserved. No applause will be allowed.

Several VOICES. Let them be cleared now.

Mr. SUMNER. Mr. President, I advance now to considerations of a more general character, to which I ask your best attention. Sir, this bill is proposed as a measure of peace. In this way you vainly think to withdraw the subject of slavery from na-

tional politics. This is a mistake. Peace depends on mutual confidence. It can never rest secure on broken faith and injustice. And, Sir, permit me to say, frankly, sincerely, and earnestly, that the subject of slavery can never be withdrawn from the national politics, until we return once more to the original policy of our fathers, at the first organization of the Government, under Washington, when the national ensign nowhere on the national territory covered a single slave.

Slavery, which our fathers branded as an "evil," a "curse," an "enormity," a "nefarious institution," is condemned at the North by the strongest convictions of the reason and the best sentiments of the heart. It is the only subject within the field of national politics which excites any real interest. The old matters which have divided the minds of men have lost their importance. One by one they have disappeared, leaving the ground to be occupied by a question grander far. The Bank, Sub-Treasury, the Distribution of the Public Lands, are each and all obsolete issues. Even the Tariff is not a question on which opposite political parties are united in taking opposite sides. And now, instead of these superseded questions, which were filled for the most part with the odor of the dollar, the country is directly summoned to consider face to face a cause which is connected with all that is divine in religion, with all that is pure and noble in morals,

with all that is truly practical and constitutional in politics. Unlike the other questions, it is not temporary or local in its character. It belongs to all times and to all countries. Though long kept in check, it now, by your introduction, confronts the people, demanding to be heard. To every man in the land it says, with clear, penetrating voice, "Are you for freedom, or are you for slavery?" And every man in the land must answer this question when he votes.

Pass this bill, and it will be in vain that you say, the slavery question is settled. Sir, *nothing can be settled which is not right.* Nothing can be settled which is adverse to freedom. God, nature, and all the holy sentiments of the heart, repudiate any such false seeming settlement.

Now, Sir, mark the clear line of our duty. And here let me speak for those with whom in minority and defeat, I am proud to be associated, the Independent Democrats, who espouse that Democracy which is transfigured in the Declaration of Independence, and the injunctions of Christianity. The testimony which we bear against slavery, as against all other wrong, is in different ways, according to our position. The slavery, which exists under other governments — as in Russia, or Turkey — or in other States of the Union, as in Virginia and Carolina, we can oppose only through the influence of literature, morals, and religion, without in any way invoking

the political power. Nor is it proposed to act otherwise. But slavery, where we are parties to it — where we are responsible for it — everywhere within our jurisdiction — must be opposed, not only by all the influence of literature, morals, and religion, but directly by every instrument of political power. In the States it is sustained by local laws, and although we may be compelled to share the shame, which its presence inflicts upon the fair fame of the country, yet it receives no direct sanction at our hands. We are not responsible for it. The wrong is not at our own particular doors. It is not within our jurisdiction. But slavery everywhere under the Constitution of the United States — everywhere within the exclusive jurisdiction of the National Government — everywhere under the National flag, is at our own particular doors, within the sphere of our own personal responsibility, and exists there in defiance of the original policy of our Fathers and of the true principles of the Constitution.

It is a mistake to say, as is often charged, that we seek to interfere, through Congress, with slavery in the States, or in any way to direct the legislation of Congress upon subjects not within its jurisdiction. Our *political* aims, as well as our *political* duties, are coextensive with our *political* responsibilities. And since we at the North are responsible for slavery wherever it exists under the jurisdiction of Congress, it is unpardonable in us not to exert every power we possess to enlist Congress against it.

Such is our cause. To men of all parties and opinions, who wish well to the Republic, and would preserve its good name, it appeals. Alike to the Conservative and the Reformer, it appeals; for it stands on the truest Conservatism and the truest Reform. In seeking the reform of existing evils, we seek also the conservation of the principles of our fathers. The cause is not sectional. Oh, no! Sir, it is not sectional; for it simply aims to establish under the National Government those great principles of Justice and Humanity, which are broad and universal as man. As well might it be said that Jefferson, Franklin, and Washington, were sectional. It is not aggressive; for it does not seek in any way to interfere, through Congress, with slavery in the States. It is not contrary to the Constitution; for it recognizes this paramount law, and in the administration of the Government invokes the spirit of its founders. Sir, it is not hostile to the quiet of the country; for it proposes the only course by which agitation can be allayed and quiet be permanently established.

It is not uncommon to hear persons declare that they are against slavery, and are willing to unite in any practical efforts to make this opposition felt. At the same time, they pharisaically visit with condemnation, with reproach or contempt, the earnest souls who for years have striven in this struggle. To such I would say — could I reach them now with my voice — if you are sincere in what you

declare; if your words are not merely lip-service; if in your hearts you are entirely willing to join in any practical efforts against slavery, then by your lives, by your conversation, by your influence, by your votes — disregarding "the ancient forms of party strife" — seek to carry the principles of freedom into the National Government, wherever its jurisdiction is acknowledged and its power can be felt. Thus, without any interference with the States, which are beyond this jurisdiction, may you help to erase the blot of slavery from our national brow.

Do this and you will most truly promote the harmony which you so much desire. You will establish tranquillity throughout the country. Then at last, Sir, the Slavery Question will be settled. Banished from its usurped foothold under the National Government, slavery will no longer enter, with distracting force, into the National politics — making and unmaking laws, making and unmaking Presidents. Confined to the States, where it was left by the Constitution, it will take its place as a local institution — if, alas! continue it must! — for which we are in no sense responsible, and against which we cannot exert any political power. We shall be relieved from our present painful and irritating connection with it. The existing antagonism between the North and South will be softened; crimination and recrimination will cease; the wishes of the Fathers will be fulfilled, and this great evil be left to the kindly in-

fluences of morals and religion, and the prevailing laws of social economy.

I am not blind to the adverse signs. But this I see clearly. Amidst all seeming discouragements, the great omens are with us. Art, literature, poetry, religion — every thing which elevates man — all are on our side. The plow, the steam-engine, the rail-road, the telegraph, the book, every human improvement, every generous word anywhere, every true pulsation of every heart which is not a mere muscle, and nothing else, gives new encouragement to the warfare with slavery. The discussion will proceed. The devices of party can no longer stave it off. The subterfuges of the politician cannot escape it. The tricks of the office-seeker cannot dodge it. Wherever an election occurs, there this question will arise. Wherever men come together to speak of public affairs, there again will it be. No political Joshua now, with miraculous power, can stop the sun in his course through the heavens. It is even now rejoicing, like a strong man to run its race, and will yet send its beams into the most distant plantations — aye, Sir, and melt the chains of every slave.

But this movement — or agitation, as it is reproachfully called — is boldly pronounced injurious to the very object desired. Now, without entering into details which neither time nor the occasion justifies, let me say that this objection belongs to those commonplaces, which have been arrayed against

every beneficent movement in the world's history — against even knowledge itself — against the abolition of the slave-trade. Perhaps it was not unnatural for the Senator from North Carolina [Mr. BADGER] to press it, even as vehemently as he did; but, it sounded less natural when it came, though in more moderate phrase, from my distinguished friend and colleague from Massachusetts [Mr. EVERETT]. The past furnishes a controlling example by which its true character may be determined. Do not forget, Sir, that the efforts of William Wilberforce encountered this precise objection, and that the condition of the kidnapped slave was then vindicated, in language not unlike that of the Senator from North Carolina, by no less a person than the Duke of Clarence, of the royal family of Great Britain. In what was called his maiden speech, on May 3d, 1792, and preserved in the Parliamentary Debates, he said, "The negroes were not treated in the manner which had so much agitated the public mind. He had been an attentive observer of their state, and had no doubt that he could bring forward proofs to convince their lordships that their state was far from being miserable; on the contrary, that when the various ranks of society were considered, they were comparatively in a state of humble happiness." And only the next year this same royal prince, in debate in the House of Lords, asserted that the promoters of the abolition of the slave-trade were "either fanatics or hypocrites," and in one of these classes

he declared that he ranked Wilberforce. Mark now the end. After years of weary effort, the slave-trade was finally abolished; and at last, in 1833, the early vindicator of even this enormity, the maligner of a name hallowed among men, was brought to give his royal assent, as William IV., king of Great Britain, to the immortal act of Parliament, greater far than any victory of war, by which slavery was abolished throughout the British dominions. Sir, time and the universal conscience have vindicated the labors of Wilberforce. The movement against American Slavery, auspicated by the august names of Washington, Franklin, and Jefferson, can calmly await a similar judgment.

But it is suggested that, in this movement, there is danger to the Union. In this solicitude I cannot share. As a lover of concord and a jealous partisan of all things that make for peace, I am always glad to express my attachment to the Union; but I believe that this bond will be most truly preserved and most beneficently extended (for I shrink from no expansion where freedom leads the way) by firmly upholding those principles of liberty and justice which were made its early corner-stones. The true danger to this Union proceeds, not from any abandonment of the "peculiar institution" of the South, but from the abandonment of the spirit in which the Union was formed; not from any warfare, within the limits of the Constitution, upon slavery; but from warfare, like that waged by this very bill,

upon freedom. The Union is most precious; but more precious far are that "general welfare," "domestic tranquillity," and those "blessings of liberty," which it was established to secure; all which are now wantonly endangered. Not that I love the Union less, but freedom more, do I now, in pleading this great cause, insist that freedom, at all hazards, shall be preserved.

One word more, and I have done. The great master, Shakspeare, who, with all-seeing mortal eye, observed mankind, and with immortal pen depicted the manners as they rise, has presented a scene which may be read with advantage by all who would plunge the South into tempestuous quarrel with the North. I refer to the well-known dialogue between Brutus and Cassius. Reading this remarkable passage, it is difficult not to see in Brutus our own North, and in Cassius the South: —

Cas. Urge me no more, I shall forget myself;
Have mind upon your health, tempt me no further.
Bru. Hear me, for I will speak.
Must I give way and room to your rash choler?
Cas. O ye gods! ye gods! Must I endure all this?
Bru. All this? aye, more: Fret, till your proud heart break;
Go, show your slaves how choleric you are,
And make your bondmen tremble. Must I budge?
Must I observe you? Must I stand and crouch
Under your testy humor?
Cas. Do not presume too much upon my love,
I may do that I shall be sorry for.
Bru. You have done that you should be sorry for.
There is no terror, Cassius, in your threats;
For I am arm'd so strong in honesty,

That they pass by me, as the idle wind,
Which I respect not.
Cas. A friend should bear his friend's infirmities,
But Brutus makes mine greater than they are.
Bru. I do not, TILL YOU PRACTISE THEM ON ME.
Cas. You love me not.
Bru. I do not like your faults.

Julius Cæsar, Act 4, *Scene* 3.

And the colloquy proceeding, each finally comes to understand the other, appreciates his character and attitude, and the impetuous gallant Cassius exclaims, "Give me your hand;" to which Brutus replies, "And my heart too." Afterwards, with hand and heart united, on the field of Philippi they together upheld the liberties of Rome.

The North and the South, Sir, as I fondly trust, amidst all differences, will ever have a hand and a heart for each other; and, believing in the sure prevalence of Almighty Truth, I confidently look forward to the good time, when both will unite, according to the sentiments of the Fathers and the true spirit of the Constitution, in declaring freedom and not slavery *national* to the end, that the Flag of the Republic, wherever it floats on sea or land within the *national* jurisdiction, may not cover a single slave. Then will be achieved that Union, contemplated at the beginning, against which the storms of faction and the assaults of foreign power shall beat in vain, as upon the Rock of Ages; and LIBERTY, seeking a firm foothold, WILL HAVE AT LAST WHEREON TO STAND AND MOVE THE WORLD.